

**Minutes for the Meeting of the
City of Dyersburg Municipal-Regional Planning Commission
September 14, 2017
10:00 am
Municipal Courtroom**

Commission Members Present: Mayor John Holden, Brian Ramm, Tony Dement, Paul Newbill, Eddie Burks, Robert Taylor, Jr. Commissioner Sherry Guthrie was present at the meeting, but sat in the audience seats.

Other Staff Present: Will Radford, Planner/Consultant, Nelson Community Development Group, Thomas Mullins and Kevin Joslin, Codes Enforcement, Carmen Cupples IT.

Chairman Burks declared that a quorum was present and called the meeting to order. Chairman Burks called for a motion to approve the minutes of the August 10, 2017 Commission meeting. Commissioner Newbill made it known that a second for the Bryant property rezoning was not noted within the minutes. A motion to approve was not made. The August 10, 2017 minutes will be reviewed at the next scheduled Planning Commission meeting.

Chairman Burks called for any old business. None was presented.

New Business:

A. Sherry Guthrie Rezoning Request.

The meeting was attended by numerous homeowners of the neighborhood that sits between Upper Finley Road and Forrest Street (Highway 104). Chairman Eddie Burks recognized the homeowners in attendance and assured the audience that those who wish to speak will be provided the opportunity.

Background

Will Radford, community planner with Nelson Community Development Group, provided a brief overview of the request. He reviewed the staff write-up and recommendation from the August 2017 meeting which included the following:

A rezoning request was resubmitted by Sherry Guthrie on behalf of Raymond Dunevant to rezone property located near the intersection of Forrest Street and Chandler Drive from P-B (Planned Business) District to M-1 (Light Industrial) District. The request was on the agenda in August 2017; however, it was withdrawn to further explain the business to residents, and to get resident feedback.

The property can be further identified as Parcel 1.03 on Dyer County Tax Map 98. The property does not appear to be located in a federally identified flood hazard area.

Analysis

The property has adjacent B-2 (General Trade and Service) zoning to the west of this property and R-2 (Medium Density Residential) to the north.

The property is designated “Low Density Residential/Public-Semi Public” and “Infill/Comprehensive Redevelopment” according to the 2020 Development Plan Future Land Use Map.

The property has access to Highway 104/Forrest Street which is designated as an arterial street.

Recommendation

Mr. Radford noted: “The best case that I can make for this rezoning is its location near the Highway 51 Bypass, and its location upon a truck route, an arterial street, Highway 104 coming from the Highway 51 Bypass.”

Mr. Radford stated that staff recommended denial of the rezoning request. He further stated while industrial development should be encouraged when appropriate to promote the economic interest of the City, the Development’s Plan’s designation of this area as ‘Low Density Residential’ and the neighboring residential districts make this site unsuitable for industrial development.’

Both Mr. Radford and Mr. Thomas Mullins were asked by Commissioner Paul Newbill if in their opinions the request constituted spot zoning. Both staff opined that this was a case for spot zoning. Mr. Radford specifically expressed, “The definition of spot zoning is a zoning that is established that is arbitrary capricious and does not conform to a general plan.” He felt this met that criteria.

Mr. Mullins stated that he agreed with Mr. Radford. He noted that he had researched the definition of spot zoning to come to his conclusion.

Additionally, Mr. Mullins referenced a comment from Mr. Radford at the August 2017 meeting. At the prior meeting Mr. Radford noted that if the Commission approved the rezoning request, and the occupying industry could then choose to sell to an industry with more detrimental impact on the neighborhood.

In further discussion, Commissioner Robert Taylor, Jr. restated his concerns for the increased truck traffic, visual, and auditory noise, and air quality pollution the proposed business may place upon the adjacent residential neighborhood. Even though the rezoning was withdrawn in August, 2017, Commissioner Robert Taylor Jr. asked potential property purchaser Mr. Rick Petty, if Mr. Petty would accompany him, and talk to residents of the neighborhood about the property. Mr. Petty agreed to this request.

Commissioner Robert Taylor summarized the residential visits stating that all residents with whom they met were against the rezoning and proposed business.

The Commission discussed various issues concerning the distance from the business site to the closest houses in the affected neighborhood, fencing, and decibel output from machinery and equipment.

Mr. Petty was asked about potentially relocating to the Dyersburg Industrial Park. He noted his business had less than the required criteria for total number of employees; therefore, his business did not qualify for relocation there.

In final discussion, numerous homeowners of the potentially affected neighborhood spoke to the commission. None of the homeowners were in favor of the request for rezoning and the potential business.

Additionally, Mr. Jerry Roberts spoke to the Commission with comments regarding noise comparisons of other businesses to Mr. Petty's business.

After final discussion, Chairman Eddie Burks entertained a motion concerning the rezoning request. With no motion made in favor of the rezoning, Commissioner Paul Newbill motioned to deny the request. Commissioner Robert Taylor, Jr. seconded the motion. The motion for denial was approved unanimously.

E. Any other new business that may be accepted by the Planning Commission.

None presented.

F. Other Business/Reports: No report.

G. Administrative Reports: No report.

With no further business, the meeting adjourned at 11:05 a.m.

Tony Dement, Secretary

Robert C. Jones, City Recorder